

Criminal No. 10/047,246
Balaban et al.
Filing Date: 1/14/02

REMARKS

Claims 1-12 have been examined in the application. The Examiner has requested that Applicants submit a clear statement to correct confusion regarding the priority claimed in the application. The drawings have been objected to as containing incorrect labels and other deficiencies. The specification has been objected to as containing elements which make it unclear. Claims 1,2,5, and 10-12 are objected to as containing various informalities.

Moreover, Claims 1-12 have been rejected under 35 U.S.C. § 112. Applicants respectfully disagree in part with the Examiner's objections and traverse these rejections for the following reasons.

Reply to Drawing Objections

According to the Examiner, the drawings were objected to because:

- a. in Fig. 31, element 84 should be labeled 84A,
- b. in order to be consistent with the specification (page 15, line 1) , in Fig. 31, line elements 136A, 138A and 140A should be changed to 136, 138, and 140 respectively,
- c. in Fig. 40, element 166A lacks a lead line, and
- d. contrary to page 17, line 7, member 157A in Fig. 38 does not appear to be an opening; an opening cannot have shading marks.

In order to clarify the drawings and eliminate any ambiguity or confusion, Applicants have made the changes shown in amended Figures 31, and 40 appended hereto. However, with respect to the Examiner's comment with respect to element 157A in Fig. 38, Applicants respectfully assert that the shading associated with element 157A refers to a backplate beyond the opening designated as 157A, hence the shading.

Reply to Specification Objections

In the Office Action, the Examiner indicates that the sentence on lines 12-14 of page 16 is unclear and that the designation 183A is used to identify three different parts. Applicants have made changes to the specification appended hereto to clarify the specification and remove any ambiguity.

Serial No. 10/047,246
Balaban et al.
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Also, the Examiner has requested that Applicants submit a clear statement regarding the priority claimed in the application. Applicants have accordingly amended the first paragraph of the first page of the specification to address this issue. Applicants believe that the amended statement is clear and removes any confusion regarding priority.

Reply to Claim Objections

In the Office Action the Examiner indicates that claims 1,2,5 and 10-12 are objected to because of the following informalities:

On line 20 of claim 1, it appears that *-arm-* should be inserted after *contact*.

On line 21 of claim 1, "a fourth contact coupled to" should be deleted as redundant.

On line 17 of claim 2, it appears that *-third-* should be inserted after *said*.

Claim 5 is somewhat redundant. It appears that this claim should be dependent on claim 2, as in the patent.

Claim 10 lacks antecedent basis for "said at least one second moveable contact" on line 22. Also, on that line, it appears that "as" should be *-an-*.

In claim 11 it appears that most of lines 13-14 should be deleted as redundant.

On line 3 of claim 12, it appears that "an" should be changed to *-and-*.

Applicants have made changes to the claims which are appended hereto, to clarify and remove any ambiguity with respect to the claims.

35 U.S.C. 112 Rejections

In the Office action, the Examiner has rejected claims 1-12 under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the Examiner indicates that the specification fails to describe a screw terminal used with a rocker section having a double throw switch and third and fourth contacts "of a screw terminal". The Examiner points out that there is no explanation of how the disclosed screw terminals could be added to these third and fourth terminals.

Serial No. 10/047,246
Balaban et al.
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Applicants respectfully disagree with the Examiner's characterization of the specification. Applicants would like to point out that on page 14, lines 7-10 (paragraph 3) of the specification clearly indicates that "Figs 31-40 show an alternate embodiment of the present invention whereby the moveable contact member ... and fixed contacts have apertures for receiving fasteners (e.g. screws rivets, pins)." The specification further indicates that "Thus the screw contacts are part of screw terminal assemblies (hereinafter "screw terminals"). Thus, the screw terminals are not limited to the use of screws as fasteners."

Screw terminals and the use of screws as fasteners are well known in the art and their adaptation to the present invention is fully supported by the language in the specification as noted above and further demonstrated by the discussion on page 16 of the specification, lines 4-20 which clearly illustrate an instance in which screw terminals are employed in the invention. Thus the language of claims 1-12 in which "screw terminals" are referred to is clearly supported in the specification.

Request for Reconsideration pursuant to 37 CFR 1.111

Having responded to each and every ground for objection and rejection in the Office Action mailed on March 24, 2003, Applicants requests reconsideration in the instant application pursuant to 37 CFR 1.111 and requests that the Examiner allow claim(s) 1-12 and pass the application to issue. If there is any point requiring further attention prior to allowance, the Examiner is asked to contact Applicants' counsel who can be reached at the telephone number listed below.

Respectfully,

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